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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Cork City Council**

**Planning Register Reference Number: 19/38331**

**Appeal** by Maria Carney of Abbey House, 13 North Mall, Cork City against the decision made on the 21<sup>st</sup> day of May, 2019 by Cork City Council to grant subject to conditions a permission to Hayley Newton care of HW Planning of 5 Joyce House, Barrack Square, Ballincollig, County Cork in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Construction of four number one-bedroom apartments and all ancillary site development works. The proposed development provides for the construction of a three-storey detached annexed building to the rear of Number 14 containing three number one-bedroom apartments. One number one-bedroom apartment is proposed within the existing attic of Number 14 and modifications are proposed to the existing roof to accommodate the same. The proposed development also makes provision for upgrades of the existing façade. The proposed development consists of the carrying out of works to a Protected Structure, all at Number 14 North Mall, Cork.

## **Decision**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## **Reasons and Considerations**

Having regard to the location and context of the site, to the policy objectives of the Cork City Development Plan 2015 - 2021 and to the nature, scale and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure or adversely affect the integrity, architectural character or setting of Number 14 North Mall, or other protected structures in the vicinity and would not seriously injure the residential amenities of property in the vicinity or the visual amenities or architectural heritage of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by An Bord Pleanála on the 11<sup>th</sup> day of July, 2019, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The proposed development shall be amended as follows:
  - (a) The proposed bicycle parking spaces shall be enclosed within shelters.
  - (b) A specification for the soft and hard landscaping proposed for the courtyard and a timetable for its planting and installation.
  - (c) A full height exterior solid wall shall be provided at the western edge of the deck terraces of the detached three-storey building in lieu of proposed low level panels. Finishes shall be in keeping with proposed finishes for the building.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual and residential amenity.

3. Prior to the commencement of occupation of the apartments in the proposed annexe, the bicycle spaces shall be provided and, thereafter, they shall be retained in situ for the duration of the development.

**Reason:** In order to promote the use of bicycles as a sustainable mode of transportation, and in the interest of visual amenity.

4. (1) Prior to the commencement of development, a scheme of specifications, method statements and schedules for (a) the upgrade works to the front façade of the existing house, and (b) the roof top extension to this house, shall be submitted to, and agreed in writing with, the planning authority. This scheme shall be prepared by a qualified professional with specialised conservation expertise.
- (2) Prior to the commencement of occupation of the apartment proposed for the roof top extension, the agreed scheme shall be fully implemented under the supervision of a qualified professional with specialised conservation expertise.

**Reason:** To ensure that the upgrade works are carried out in accordance with best conservation practice and in a timely manner.

5. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

6. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

7. The developer shall enter into water and/or waste water connection agreement(s) with Irish Water prior to the commencement of development.

**Reason:** In the interest of public health.

8. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

9. (1) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each apartment unit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.
- (2) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.

**Reason:** In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

10. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

11. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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**Terry Prendergast**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**

**Dated this            day of            2019.**